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Supreme Court, U.S.
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No.

IN THE

Supreme Court of the United States

INTISAR KHALIF FARAH,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

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December 10, 2007

QUESTIONS PRESENTED FOR REVIEW

A. WHETHER ADMISSION OF EXHIBITS 2-1 THROUGH 2-6 FROM THE IMMIGRATION FILE OF KHALIF FARAH, PETITIONER INTISAR FARAH'S DECEASED FATHER, VIOLATED THE CONFRONTATION CLAUSE OF THE UNITED STATES CONSTITUTION WHERE KHALIF FARAH WAS NOT AVAILABLE TO TESTIFY AT TRIAL, KHALIF FARAH NEVER UNDERWENT CROSS EXAMINATION REGARDING THE DOCUMENTS AND EXHIBITS 2-1 THROUGH 2-6 ARE TESTIMONIAL?

B. WHETHER DISMISSAL OF THE INDICTMENT IS REQUIRED FOR THE GOVERNMENT'S PREJUDICIAL PREINDICTMENT DELAY WHERE THE GOVERNMENT KNEW ABOUT THE POTENTIALLY FALSE STATEMENTS THAT FORMED THE BASIS OF THE INDICTMENT IN 1998, DID NOT FILE THE INDICTMENT UNTIL 2005 AND OFFERED AN INADEQUATE JUSTIFICATION FOR THE DELAY IN LIGHT OF THE ACTUAL PREJUDICE SUFFERED BY INTISAR FARAH?

C. WHETHER THE GOVERNMENT FILED THE INDICTMENT OUTSIDE OF THE APPLICABLE STATUTE OF LIMITATIONS WHERE THERE ARE TWO STATUTES THAT

CRIMINALIZE THE SAME BEHAVIOR YET INEXPLICABLY HAVE DIFFERENT STATUTES OF LIMITATIONS AND THE RULE OF LENITY REQUIRES THE APPLICATION OF THE LOWER STATUTE OF LIMITATIONS PERIOD?

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JURISDICTION

The Appellant, Intisar Khalif Farah, appeals the memorandum opinion and order entered by the United States Court of Appeals for the Fourth Circuit affirming her conviction for violating Title 18, section 1425(a) of the United States Code, procuring naturalization unlawfully. On August 14, 2007, the United States Court of Appeals for the Fourth Circuit entered an order denying Ms. Farah's petition for appeal. Ms. Farah then filed a timely Petition for Rehearing and/or Rehearing *En Banc* on August 28, 2007, which the court later denied on September 11, 2007. Title 28, Section 1254 of the United States Code confers jurisdiction upon this Court to review on writ of certiorari the order entered by the United States Court of Appeals for the Fourth Circuit on August 28, 2007 denying Ms. Farah's Petition for Appeal and September 11, 2007 denying Ms. Farah's Petition for Rehearing and/or Rehearing *En Banc*.

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES AND REGULATIONS

Fifth Amendment to the United States Constitution

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall any person be compelled in any criminal case to be a witness against himself nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Sixth Amendment to the United States Constitution

In all criminal prosecutions, the accused shall enjoy the right to a speedy trial, by an impartial jury of the State and district wherein the crime shall have committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

8 U.S.C.S. § 1551 (2007)

There is created and established in the Department of Justice an Immigration and Naturalization Service.

18 U.S.C.S. § 3231 (2007)

The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States. Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.

18 U.S.C.S. § 1015 (2007)

Whoever knowingly makes any false statement under oath, in any case, proceeding, or matter relating to, or under, or by virtue of any law of the United States relating to naturalization, citizenship, or registry of aliens.

18 U.S.C.S. § 1425(a) (2007)

Whoever knowingly procures or attempts to procure, contrary to law, the naturalization of any person, or documentary or other evidence of naturalization or of citizenship.

28 U.S.C.S. § 1291 (2007)

The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. The jurisdiction of the United States Court of Appeals for the Federal Circuit shall be limited to the jurisdiction described in sections 1292(c) and (d) and 1295 of this *title [28 USCS §§ 1292(c)* and (d) and 1295].

Rule 803(6) of the Federal Rules of Evidence

A memorandum, report, record, or data compilation, in any form, of acts, events conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by a person with knowledge, if kept in the course of a regularly conducted business activity and if it was the regular practice of the business activity to make the memorandum report, record, or data compilation, all as shown by testimony, of the custodian or other qualified witness, or by certification that complies with Rule 902(11), Rule 902(12) or a statute permitting certification, unless the source of information or the method or circumstances or preparation indicate a lack of trustworthiness.

Rule 804(b)(4) of the Federal Rules of Evidence

Statement of personal or family history. (A) A statement concerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; or (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.

STATEMENT OF THE CASE

Pursuant to the government's factual assertions, the Appellant, Intisar Farah immigrated from Somalia to the United States in 1983 to study English under a student visa. (Appendix, pg. 3a.) On or about February 27, 1989, Ms. Farah submitted an application for asylum at a time of extreme civil strife and violence in Somalia. (Appendix, pg. 3a.) Later, on or about December 20, 1990, Ms. Farah applied for legal permanent residence status. (Appendix, pg. 3a-4a.) Finally, on January 31, 1995, Ms. Farah applied for naturalization and Ms. Farah became a naturalized citizen of the United States on April 20, 1995. (Appendix, pg. 5a.) Ms. Farah sponsored her brothers, sisters, parents, and husband, Yusef Abdi Ali, to enter the United States from Somalia. On December 8, 1996, Mr. Ali was admitted to the United States as an immigrant sponsored by a United States citizen, Ms. Farah. (Appendix, pg. 5a.)

At trial, the government presented evidence that, during her residence in the United States, Ms. Farah entered the banking industry and worked her way up from a teller to a management position. Ms. Farah gave birth to three children. Finally, Ms. Farah committed no violations of law, including criminal or even simple traffic infractions.

The government, during the mid to late 1990's, vigorously attempted to deport Ms. Farah's husband, Yusef Abdi Ali on two occasions, alleging that he committed war crimes as a member of the Somali National Army, many years before. The government was unsuccessful in both attempts to deport Mr. Ali.

Out of the Yusef Abdi Ali investigation however, the government began to scrutinize Ms. Farah's applications for asylum, legal permanent residence and naturalization, three years after she became a naturalized citizen. On or about December 1, 1998, an official of the former Immigration and Naturalization Service, ("INS"), authored a memorandum identifying what it deemed to be false statements sufficient to denaturalize Ms. Farah.[1] In

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[1] The trial court denied defense counsel access to the December 1, 1998 memorandum throughout the first and second trials and all post trial proceedings. The memorandum is held with the clerk of the Court of Appeals for the Fourth Circuit under seal.

The trial court rendered a virtually immediate decision to deny defense counsel access to the memorandum and exclude it from evidence at trial, without fully considering the relevance of the document to the case. Counsel for Ms. Farah argued that the INS memorandum related to Ms. Farah's motion to dismiss the indictment for prejudicial preindictment delay. The trial court quickly determined that because the government did not intend to use the document at trial, there was no need to produce the document. Ms. Farah requested to review the document at a motion's hearing. The trial court sharply denied the request in rendering its decision to deny the motion to dismiss for prejudicial preindictment delay without a hearing and advised defense counsel to simply question witnesses at trial about the prejudicial delay. Without basic information about the memorandum, however, Ms. Farah could not call the proper witnesses regarding the delay.

> Mr. Greenspun: Your Honor, we don't know what witnesses to call because we have not seen the memorandum
>
> Court: Okay

response to the 1998 memorandum, however, the government took no action against Ms. Farah at that time.

Following the two unsuccessful government prosecutions, in 2004, anonymous plaintiffs assisted by special interest group the Center for Justice and Accountability, filed a civil action against Mr. Ali in the United States District Court for the Eastern District of Virginia, alleging that Mr. Ali committed war crimes and torture while serving as a member of the Somali National Army.

As a result of the civil litigation, the Department of Homeland Security, ("DHS"), Immigration and Customs Enforcement, ("ICE"), division, began yet another investigation of Mr. Ali. The investigation quickly turned to his family, namely, Ms. Farah. In September 2004, the 1998 INS memorandum was forwarded to the United States Attorney who prosecuted Ms. Farah in both trials. At that time, the government again took no action against Ms. Farah.

Pursuant to Title 18, section 3231 of the United States Code on April 19, 2005, a grand jury returned an indictment against Intisar Khalif Farah

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Mr. Greenspun: We don't know the author or the recipient of the memorandum. We don't know what decisions the Government made in response to that memorandum about prosecuting or not prosecuting Mrs. Farah. In order to put her in jeopardy on that issue –

The Court: Counsel, I am denying it . . .

for procuring naturalization unlawfully in violation of Title 18, section 1425(a) of the United States Code. This indictment came one (1) day before the ten (10) year statute of limitations applicable to section 1425(a) expired. Ten (10) days after Ms. Farah's indictment, on April 29, 2005, the district court entered an order staying the civil case against Mr. Ali indefinitely until the political situation in Somalia improved. The indictment alleged that Ms. Farah,

> affirmed under penalty of perjury that the information in her then pending Application for Naturalization, INS form N-400, was true and correct. In fact, as the defendant then and there knew, the defendant had made several material [sic] false statements in the application in an attempt to cause the INS to approve her application.

The government later filed a Bill of Particulars, identifying the specific false statements in the Application for Naturalization, form N-400, that the government referenced generally in the indictment. The government stated that Ms. Farah provided two false statements on the N-400 form: (1) Ms. Farah falsely answered "No" to Part 3 of the form, which asks, "[h]ave you been absent from the United States since becoming a permanent resident?" and (2) falsely answered "No" to question 12(g) of Part 7 of the N-400 form, which asks, "Have you ever given false testimony for the purpose of obtaining an immigration benefit." (Appendix, pg. 5.)

The Bill of Particulars, also alleged that Ms. Farah made false statements in her application for permanent residence, Form I-485, filed on or about December 19, 1990. Specifically, the government alleged that Ms. Farah (1) falsely answered "yes" to Part A, question 3, which asks if she was an asylee eligible for adjustment of status, knowing that she obtained asylum from the false statement that she provided in response to her application for asylum, (2) falsely stated in response to Part B, question 11, that she last entered the United States on January 10, 1983 when she returned to the United States in 1984, and (3) falsely stated in response to question 26(Q) that she had not procured or attempted to procure a visa by fraud when she procured her asylee status by fraud. (Appendix, pg. 5.)

But the majority of the false statements alleged came from the application for asylum. Specifically, the Bill of Particulars alleged that, on the application for asylum, Ms. Farah (1) falsely stated in response to question 12 that her last arrival in the United States was January 11, 1983, when she traveled back to Somalia (2) falsely stated in response to question 30 that she was unwilling and unable to return to Somalia and she returned to Somalia after 1983 (3) falsely stated in question 32 that she would only return to Somalia after a democracy was established when she returned to Somalia after 1983 (4) falsely stated in response to question 34 that she was a member of the Isaaq clan of Somalia when she was a member of the Darod clan, (5) falsely stated in response to question 35 through 38 that she was persecuted for membership in the Isaaq clan when she was a member of the Darod clan, (6) falsely

stated in response to question 37 that her family was targeted by the Barre regime when they were not. In addition, the government alleged that the affidavit attached to Ms. Farah's application for asylum was false because it states that she is unwilling and unable to return to Somalia when she returned in 1984 and her original departure was in 1983. Further, the government alleges that Ms. Farah's claims of being imprisoned and tortured as an Isaaq are false because she was never mistreated and imprisoned and she is not an Isaaq.

The initial jury trial of Intisar Farah began on November 14, 2005 and continued for three (3) days until November 17, 2005. After deliberating, the jury determined that it was deadlocked and could not reach a unanimous verdict. The trial court, therefore, declared a mistrial on November 18, 2005 and scheduled a new trial for March 13, 2006. (Appendix, pg. 7a.)

During the first trial, the trial court made several evidentiary findings that are relevant to this appeal. Specifically, the trial court permitted government witness Dr. Lee Cassinelli to provide his expert opinion as to Ms. Farah's clan affiliation. Preliminarily, Dr. Cassinelli testified generally about Somalian clans and political history. The government then attempted to offer into evidence Exhibits 2-1 through and 2-6 from the immigration file of Intisar Farah's deceased father Khalif Farah. Ms. Farah objected citing *Crawford v. Washington*, 541 U.S. 36 (2004). The trial court admitted the Exhibits because it determined that the documents were not testimonial. Rather, the documents were

made under oath before any criminal proceedings arose against the Ms. Farah. (Appendix, pg. 7a.)

In the alternative, the trial court concluded that the Exhibits fell within the business records and personal and family history exceptions to the hearsay rule (*Id.*) The trial court concluded that the documents contain indicia of reliability because the statements made by Khalif Farah were made under oath and Exhibit 2-1 contained a photograph of Ms. Farah and identified Khalif Farah as her father. Expert Lee Cassinelli testified that Ms. Farah was a member of the Darod and not the Isaaq clan due to her father's purported clan affiliation listed on Exhibit 2-5.

Pursuant to Rule 31 of the Federal Rules of Criminal Procedure, the government decided to retry Ms. Farah. In anticipation of the new trial on March 13, 2006, Ms. Farah filed her renewed motion to dismiss the indictment for failing to return the indictment within the statute of limitations. On March 9, 2006, the trial court denied the motion. (Appendix, pg. 7a.) Later, on March 17, 2006 the jury returned with a verdict of guilty to Count I of the indictment. (Appendix, pg. 7a.) The trial court sentenced Ms. Farah to thirty (30) days of incarceration and post release supervision of one (1) year. (Appendix, pg. 8a.) The trial court entered a final judgment order on June 29, 2006, which was filed in the Clerk's office of the United States District Court for the Eastern District of Virginia on July 3, 2006.

Pursuant to Title 28, section 1291 of the United States Code, the final judgment order of the trial court is reviewable by the court of appeals of the circuit in which the district court proceeding was held. Accordingly, on June 28, 2006, Ms. Farah timely filed a Notice of Appeal in the trial court from the final judgment of the United States District Court for the Eastern District of Virginia, announced on June 22, 2006, pursuant to Rule 4(b) of the Federal Rules of Appellate Procedure.

The judgment rendered by the District Court finding Ms. Farah guilty of naturalization fraud was affirmed by the Court of Appeals for the Fourth Circuit. First, the Court of Appeals found that the trial court did not violate the Confrontation Clause of the United States Constitution by admitting Exhibits 2-1 through 2-6 from the immigration file of Ms. Farah's deceased father, Khalif Farah. The Court determined that the statement were not testimonial. (Appendix, pg. 19a.)

Second, the Court of Appeals found that the District Court properly denied Ms. Farah's pretrial motion to dismiss the indictment for prejudicial preindictment delay. The court concluded that while Ms. Farah suffered actual prejudice because of the government's preindictment delay, the government provided an adequate explanation for the delay, namely that the Immigration and Naturalization Service employee that detected the alleged fraud could not criminally prosecute Ms. Farah. (Appendix, pg. 12a-15a.)

Third, the Court of Appeals found that the District Court properly denied Ms. Farah's pretrial motion to dismiss the indictment as outside of the statute of limitations because Title 18, Section 1425 of the United States Code is not ambiguous. (Appendix, pg. 8a-12a.)[2]

ARGUMENT

I. ADMISSION OF EXHIBITS 2-1 THROUGH 2-6 FROM THE IMMIGRATION FILE OF KHALIF FARAH, PETITIONER INTISAR FARAH'S DECEASED FATHER, VIOLATED THE CONFRONTATION CLAUSE OF THE UNITED STATES CONSTITUTION WHERE KHALIF FARAH WAS NOT AVAILABLE TO TESTIFY AT TRIAL, KHALIF FARAH NEVER UNDERWENT CROSS EXAMINATION REGARDING THE DOCUMENTS AND EXHIBITS 2-1 THROUGH 2-6 ARE TESTIMONIAL.

Neither this Court nor the Courts of Appeals have opined about whether immigration documents akin to Exhibits 2-1 through 2-6 from Khalif Farah's immigration file are "testimonial" and therefore inadmissible at trial where the alleged author of the

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[2] Upon the Court of Appeal's decision to deny the Petition for Rehearing and/or Rehearing en banc, the government renewed a previously filed motion to revoke Ms. Farah's citizenship. After hearing argument, the United States District Court granted the government's motion. While serving her sentence of thirty (30) days of incarceration, Ms. Farah was detained by Immigration and Customs Enforcement. While released on bond, Ms. Farah now faces removal from the United States.

statements is unavailable to testify at trial. In the present case, the government alleged that Ms. Farah lied on her Application for Asylum about her clan identity. At trial the government highlighted portions of Exhibits 2-1 through 2-6 stating that Khalif Farah, Intisar Farah's father, belonged to the Darod clan. Government expert Lee Cassinelli then testified that Somali clanship is a paternal determination, and therefore, Intisar Farah belonged to the clan of her father, the Darod clan, not the Isaaq clan, as she allegedly asserted on her 1989 Asylum Application. Based upon prior opinions of this Court, Exhibits 2-1 through 2-6 are testimonial and therefore, inadmissible at trial as Mr. Farah died in 1996 and was unavailable to testify at trial and Ms. Farah did not have a prior opportunity to cross-examine Mr. Farah about the Exhibits.

The primary question for this court is whether the statements contained in Exhibits 2-1 through 2-6 are testimonial. This Court held that the Confrontation Clause applies to "testimonial" statements and opined as to the definition of "testimonial" in *Crawford v. Washington*.

> The text of the Confrontation Clause reflects this focus. It applies to "witnesses" against the accused--in other words, those who "bear testimony." 1 N. Webster, An American Dictionary of the English Language (1828). "Testimony," in turn, is typically "[a] solemn declaration or affirmation made for the purpose of establishing or proving some fact." *Ibid.* An accuser who makes a

> formal statement to government officers bears testimony in a sense that a person who makes a casual remark to an acquaintance does not. The constitutional text, like the history underlying the common-law right of confrontation, thus reflects an especially acute concern with a specific type of out-of-court statement. Various formulations of this core class of "testimonial" statements exist: "*ex parte* in-court testimony or its functional equivalent--that is, material such as affidavits, custodial examinations, prior testimony that the defendant was unable to cross-examine, or similar pretrial statements that declarants would reasonably expect to be used prosecutorially," Brief for Petitioner 23; "extrajudicial statements . . . contained in formalized testimonial materials, such as affidavits, depositions, prior testimony, or confessions,"; "statements that were made under circumstances which would lead an objective witness reasonably to believe that the statement would be available for use at a later trial."

541 U.S. 36, 51-52 (2004) (internal citations omitted).

Following the *Crawford v. Washington* opinion, this Court applied the announced definition of a "testimonial" statement and opined as to whether statements made during a 911 call and during police

questioning at a crime scene are "testimonial." This Court held that statements are testimonial "when the circumstances objectively indicate that there is no such ongoing emergency, and that the primary purpose of the interrogation is to establish or prove past events potentially relevant to later criminal prosecution." *Washington v. Davis*, 547 U.S. 813, 2274 (2006). Accordingly, the statements made at the crime scene were deemed "testimonial" while the statements made during the 911 call were not. *Id.*

This Court's analysis of "testimonial" statements in *Crawford* and *Davis* focused on traditional police interrogation scenarios. Applying the analysis in *Crawford* and *Davis* to a less traditional but common form of law enforcement interrogation, the statements contained in Exhibits 2-1 through 2-6 are testimonial. The documents describe family history and past events that support Mr. Farah's application for refugee status in the United States. Exhibit 2-2 suggests that Mr. Farah underwent an interview surrounding the document. (Appendix, pg. 27a.) Exhibit 2-3 is labeled "Interview Notes." (Appendix, pg. 29a.) This document appears to summarize the interview of Khalif Farah. The government did not offer evidence about the conditions under which the documents were generated. Finally, the primary purpose of the documents is to establish the events that led Mr. Farah to seek refugee status, which could certainly be used against him in any subsequent administrative or criminal prosecution related to the legality of the Farah family's presence in the United States. The present criminal prosecution of Ms. Farah serves as an example, where the government attempts to use

Exhibits 2-1 through 2-6 against Ms. Farah to prove that she lied on her Application for Asylum about her clan identity and therefore is not lawfully present in the United States.

To complete the analysis, this Court must also decide whether Mr. Farah was available to testify at trial and whether Ms. Farah had a previous opportunity to cross-examine Mr. Farah about his purported statements in Exhibits 2-1 through 2-6. As Mr. Farah was deceased at the time of trial, he was not able to testify. In addition, none of the evidence offered at trial indicates that Ms. Farah had a prior opportunity to cross-examination Mr. Farah regarding the statements. Based upon *Crawford* and *Davis*, the statements contained in Exhibits 2-1 through 2-6 are testimonial and therefore inadmissible as Mr. Farah could not appear for cross-examination at trial.

Exhibits 2-1 through 2-6 are not admissible to prove Mr. Farah's clan pursuant to any other rule of evidence. After concluding that Exhibits 2-1 through 2-6 are not testimonial, the Court of Appeals erroneously determined that the documents were admissible pursuant to Rule 803(6) of the Federal Rules of Evidence, the business records exception to the hearsay rule. The rationale supporting the business records exception is that such records are presumed reliable. "Reports and documents prepared in the ordinary course of business are generally presumed to be reliable and trustworthy for two reasons: 'First, businesses depend on such records to conduct their own affairs; accordingly, the employees who generate them have a strong motive to be

accurate and none to be deceitful. Second, routine and habitual patterns of creation lend reliability to business records.'" *Certain Underwriters at Lloyd's v. Sinkovich*, 232 F.3d 200, 204-05 (4th Cir. 2000).

Exhibits 2-1 through 2-6 contain several styles of handwriting, without an identified speaker. In addition, the origin of the documents is unknown; some appear to be prepared in the United States and some outside of the country. Exhibit 2-2 contains at least three handwriting styles and appears to be a copy of several portions of documents taped together. (Appendix, pg. 27a.) Exhibit 2-4 also contains several handwriting styles and does not seem to be connected or associated with any other document. (Appendix, pg. 31a.) The circumstances under which the documents were created are not known. In addition, the author of Exhibits 2-5 and 2-6 is unknown. (Appendix, pg. 33a and 35a.) When information provided in a document is offered by a person outside of the business or agency, the information may be excluded unless there is evidence that the recipient had adequate verification of the information provided by the outsider. *U.S. v. Turnbull*, 2000 U.S. App. Lexis 8618 (4th Cir. 2000). The government offered no evidence at trial that it took steps to determine and locate the author of the documents or verify the information contained in the documents. The trial court was, therefore, without evidence to identify the author or authors of the documents and determine that the documents were prepared in the normal course of business pursuant to a duty to report the information

In addition, Exhibit 2-1 through 2-6 were not kept in the course of a regularly conducted business duty. Documents made in the regular course of a regularly conducted business activity are deemed trustworthy because they are "routine reflections of the day to day operation of a business." *Palmer v. Hoffman*, 318 U.S. 109, 113-114 (1943) (upholding the exclusion of a train engineer's statement about an accident where the engineer died before trial. The Court concluded that the statement was properly excluded because it was made for litigation purposes and did not relate to the conduct of the railroad.) In this case, Exhibits 2-1 through 2-6 do not reflect the day-to-day operations of the Department of Homeland Security, formerly the Immigration and Naturalization Service. Rather, the documents detail the life experiences of Khalif Farah and the circumstances that lead him to seek refugee status in the United States. Because the documents are not routine reflections of the day-to-day operations of the government, the documents were not made in the regular course of a regularly conducted business activity.

Finally, the Court of Appeals also erred in opining that Exhibits 2-1 through 2-6 are admissible pursuant to Rule 804(b)(4) of the Federal Rules of Evidence, the family history exception to the hearsay rule. Rule 804 excepts the declarant's own statement regarding ancestry and other similar facts. The declarant of the statements contained in Exhibits 2-1 through 2-6, however, is unclear. The government failed to offer any evidence that Mr. Farah authored any of the Exhibits. In addition, as the government failed to present any witnesses who could testify

about the facts surrounding the creation of these documents, there is also insufficient indication of the origin of the information documented by Exhibits 2-1 through 2-6. Accordingly, Exhibits 2-1 through 2-6 are not admissible pursuant to Rule 804(b)(4).

The admission of Exhibits 2-1 through 2-6 from Khalif Farah's immigration file violates the Confrontation Clause of the Fifth Amendment to the United States Constitution as the statements contained in the documents are testimonial, Mr. Farah died in 1996 and was unavailable to testify at either trial of Ms. Farah and Ms. Farah did not have a prior opportunity to cross-examine Mr. Farah regarding the statements. Exhibits 2-1 through 2-6 are not admissible under any exception to the hearsay rule. The Court of Appeals for the Fourth Circuit, therefore, erred in affirming the trial court's admission of Exhibits 2-1 through 2-6.

II. DISMISSAL OF THE INDICTMENT IS REQUIRED FOR THE GOVERNMENT'S PREJUDICIAL PREINDICTMENT DELAY WHERE THE GOVERNMENT KNEW ABOUT THE POTENTIALLY FALSE STATEMENTS THAT FORMED THE BASIS OF THE INDICTMENT IN 1998, DID NOT FILE THE INDICTMENT UNTIL 2005 AND OFFERED AN INADEQUATE JUSTIFICATION FOR THE DELAY IN LIGHT OF THE ACTUAL PREJUDICE SUFFERED BY INTISAR FARAH.

The government's delay to prosecute Intisar Farah, during which time witnesses and documents critical to her case became unavailable and memories

faded, violates fundamental conceptions of justice or the community's sense of fair play and decency, requiring dismissal of the indictment.

Pre-indictment delay violates the due process rights of an accused where the accused first demonstrates that she suffered actual prejudice. "If the threshold requirement of actual prejudice is met, the court must then consider the Government's reasons for the delay, balancing the prejudice to the defendant with the Government's justification for delay. . . . The basic inquiry then becomes whether the Government's action in prosecuting after substantial delay violates 'fundamental conceptions of justice' or 'the community's sense of fair play and decency.'" *United States v. Automated Medical Laboratories, Inc.*, 770 F.2d 399, 403-04 (4th Cir. 1985) (quoting *United States v. Lovasco*, 431 U.S. 783, 790 (1977)). The determination of actual prejudice is to be made on a case-by-case basis. *United States v. Marion*, 404 U.S. 307, 324-26 (1971).

The Fourth Circuit Court of Appeals found actual prejudice to Ms. Farah due to the government's delay. Specifically, the Court of Appeals identified officials from the former Immigration and Naturalization Service who did not remember Intisar Farah or her application for asylum, when testifying at trial. Asylum officer Stanford Knight did not remember his interview with Ms. Farah. Department of State Official Mary Von Breisen did not remember the letter that she sent to the Immigration and Naturalization Service

concluding that Ms. Farah had a well founded fear of persecution. Both witnesses exercised hindsight analysis and speculation to testify about what must have occurred during Ms. Farah's interview regarding her application for asylum and what sections of the application were material to the decision to grant her application. (Appendix, pg. 13a.)

The Court of Appeals also identified prejudice caused by the missing file of Ms. Farah's attorney of record for her asylum proceeding, Allan Ebert, Esquire. Certainly any documents provided to Mr. Ebert and notes and memoranda of conversations or interviews with Ms. Farah, would offer time relevant confirmation about Ms. Farah's flight from Somalia, clan affiliation at the time of her departure and the specifics of her incarceration and persecution. All of Mr. Ebert's records regarding Ms. Farah's asylum request, however, are unavailable. Mr. Ebert represented Ms. Farah approximately seventeen (17) years ago, and all of the files and documents, computerized or otherwise, have been destroyed and no longer exist. (Appendix, pg. 13a.)

The government alleged that Ms. Farah was absent from the United States from April 1, 1990 to December 20, 1992, as she was living in Canada. To prove that Ms. Farah was in Canada during this time, the government offered the immigration file of Intisar Abdi Ali. The government alleged that Ms. Farah and Intisar Abdi Ali were the same person and argued that Ms. Farah lived in Canada from April 1990 to December 1992.

Ms. Farah attempted to obtain employment records from Les Gals K Street, Inc., a retail shop where she worked in the United States during the period of her alleged residence in Canada. Alan Harris, business co-owner of Les Gals K. Street, Inc., maintained records for all employees, including Ms. Farah. Such records contained hours and dates of Ms. Farah's actual work. Les Gals K Street, Inc., however, dissolved on March 24, 1994 and between 2000 and 2002, Mr. Harris destroyed all employment records. (Appendix, pg, 13a.) Mr. Harris did not rely solely on his records but also consulted the business accountant who maintained W-2 tax forms for employees of Les Gals K Street, Inc. Given the passage of time the accountant destroyed all records of Ms. Farah's employment as well. (*Id.*) The Court of Appeals identified the missing Les Gals documents, necessary to refute the government's allegations, another source of prejudice to Ms. Farah.

Ms. Farah suffered additional prejudice that the Court of Appeals did not recognize. Michael Comfort and Edward Newman, two Department of Homeland Security employees who never worked in the Washington D.C. and more specifically Virginia immigration offices, testified about the process of reviewing applications for asylum, legal permanent residence status and naturalization in absence of the officials that reviewed Ms. Farah's applications. Both identified information relevant to a grant or denial of an application. Once the government learned of potential inconsistencies in Ms. Farah's immigration applications as early as 1998, the government elected not to prosecute Ms. Farah until 2005. As a result of their decision, the witnesses who could best testify

about the matter were unavailable or lacked a sufficient memory of the events.

The court in *United States v. Glist* granted the defendant's motion to dismiss the indictment for prejudicial preindictment delay where the prosecution contained some of the same deficiencies in evidence caused by the delay present in this case. 594 F.2d 1374 (10th Cir. 1979). The prosecution in *Glist* charged the defendants with conspiring to underreport income and violate the tax laws. In the midst of the trial, the court granted the defendants' motion to dismiss for preindictment delay of three (3) years. Among the list of deficiencies caused by the prosecutor's delay, the court cited poor memories by the witnesses called to testify, that the government's files were scattered among different people in different offices, and the lead agent of the investigation was no longer with the Internal Revenue Service and available to testify at trial. The court concluded that "no citizen of the United States should be required to answer in a criminal courtroom to charges that are stale as these charges with conspiracy as board in scope as has been charged here. And that to compel such a trial is a denial of the constitutional rights of the accused." 594 F.2d at 1377.

Similarly, here, two Immigration and Naturalization Service employees that interviewed and processed Ms. Farah's immigration applications were unavailable at trial; one witness died and the other moved out of the country to an unknown location. Stanford Knight, the one Immigration and Naturalization Service employee present to testify

had no recollection of Ms. Farah or her application. Further, several documents necessary for Ms. Farah to counter the government's allegations are destroyed.

In light of the actual prejudice suffered by Ms. Farah, the government's lack luster explanation for the delay to indict Ms. Farah violates the fundamental conceptions of justice and the community's sense of fair play and decency and only enhances the need for dismissal of the indictment against Ms. Farah.[3] The government maintains that

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[3] This Court's decision in *United States v. Marion*, opines that prejudice to the defendant may be found where it is shown that the government delayed prosecution for nefarious motives or to gain a tactical advantage over the accused. Throughout both trials and in her petition for appeal, Ms. Farah alleged that the government maintained an ulterior motive for her prosecution. Specifically, Ms. Farah repeatedly stated that her prosecution came one day before the expiration of the ten (10) year statute of limitations, only after the government tried twice, unsuccessfully, to deport her husband Yusef Abdi Ali, and after the district court stayed a civil proceeding accusing Mr. Ali of war crimes. The notes of the government's own case agent Jason Manyx confirm the government's motive to prosecute Ms. Farah.

> [o]n November 12, 2004, ICE JTTF Agent Jason Manyx learned through open source materials that former Somali military officer, Yusef Abdi Ali, had become the subject to civil action in the Eastern District of Virginia. Various open source materials and court documents indicated Ali committed acts of torture; attempted extrajudicial killing, cruel, inhuman or degrading treatment or punishment; arbitrary detention; crimes against humanity; and war crimes. Given the

it did not prosecute Ms. Farah in 1998 because the Immigration and Naturalization Service attorney that drafted a memorandum detailing the supposed false statements in Ms. Farah immigration applications lacked the authority to prosecute.[4]

> various articles of the Immigration and Nationality Act deem one inadmissible/deportable ICS SA Manyx initiated an investigation into Ali's admission, background and immigration status. Investigation indicated that Ali's spouse Intisar Farah knowingly misrepresented facts before INS on January 31, 1995 regarding her absences from the United States and therefore was ineligible to become a naturalized citizen was directed by 8 C.F.R. 316,10 (b)(2)(VI) which requires a foreign national to be of good moral character.

[4] Despite the government's stated reason for delaying Ms. Farah's prosecution, it attempted to mislead the jury by implying, during closing argument, that the delay was caused by its ongoing investigation of the case, when indeed no investigation of Ms. Farah took place between 1998 and 2004. The government argued, "if we had charged her six weeks after the naturalization fraud, he would have then come to you and told you that we rushed to judgment." The government misled the jury into believing that the government was diligently investigating Ms. Farah and just happened to find sufficient evidence to prosecute her the day before the statute of limitations expired, when in fact the government failed to prosecute Mrs. Farah for ten (10) years from the date of her last allegedly false statements and seventeen (17) years since she filed her application for asylum, the origin of the majority of Mrs. Farah's allegedly false statements.

The government's statement was even more egregious because the government knew that the December 1, 1998 memorandum had been excluded from evidence and could not be used by Mrs. Farah to rebut the government's argument.

Indeed, pursuant to Title 8, section 1551 of the United States Code, the Immigration and Naturalization Service was part of the Department of Justice as was the United States Attorney's Office. Accordingly, the Department of Justice, a prosecuting agency within the federal government, possessed notice of Ms. Farah's allegedly false statements to initiate prosecution of Ms. Farah in 1998.

Even after the Assistant United States Attorney that prosecuted this case obtained the 1998 memorandum, identifying the specific statements by Ms. Farah that the government deemed false, the government continued to delay its prosecution of Ms. Farah until the day before the ten (10) year statute of limitations expired. The government offered no explanation for this delay. Further, the Court of Appeals did not address the government's failure to account for the delay between 2004 and 2005.

A recognized explanation for delay is the need for further investigation. In *United States v. Lovosco*, this court found that the prosecutor did not deprive the defendant of due process after a good-faith continuing investigation. 431 U.S. 783, 796 (1977). The government, however, did not contend that it was investigating the false statements.

Given the breadth of prejudice imposed upon Intisar Farah while the government delayed her prosecution between 1989 and 2005, without reason, the government violated fundamental conceptions of justice and the community's sense of fair play and

decency, depriving Ms. Farah of due process. Based upon the opinions of this Court and other circuit courts, the Court of Appeals' decision should be reversed, and the indictment of Intisar Farah, dismissed.

III. THE GOVERNMENT FILED THE INDICTMENT OUTSIDE OF THE APPLICABLE STATUTE OF LIMITATIONS WHERE THERE ARE TWO STATUTES THAT CRIMINALIZE THE SAME BEHAVIOR YET INEXPLICABLY HAVE DIFFERENT STATUTES OF LIMITATIONS AND THE RULE OF LENITY REQUIRES THE APPLICATION OF A LOWER STATUTE OF LIMITATIONS.

The rule of lenity required the government to indict Ms. Farah five (5) years after she allegedly made false statements on her Application for Naturalization in 1995. The offense charged in the Indictment, procuring naturalization unlawfully in violation of Title 18, section 1425 of the United States Code, has a ten (10) year statute of limitations period. In contrast, a violation for providing false statements in connection with an immigration matter in violation of Title 18, section 1015 of the United States Code, "Naturalization, Citizenship, or Alien Registry," Chapter 47 "Fraud and False Statements," has a five (5) year statute of limitations. A person can be prosecuted for making false statements within an immigration matter under both statutes. The statutory construction and legislative history of both statutes, however, offers no explanation for the disparity between the statute of limitations.

Given the unexplained disparity in the statutes of limitations period for sections 1015 and 1425 of Title 18 of the United States Code, the rule of lenity requires the five (5) year statute of limitations to govern the present case. The rule of lenity provides that "where there is ambiguity in a criminal statute, doubts are resolved in favor of the defendant." *United States v. Bass*, 404 U.S. 336, 347-48 (1971) (internal quotations omitted). The determination of whether a statute is ambiguous is not confined to the words of a statute, alone.

> In determining the meaning of the statute, we look not only to the particular statutory language, but to the design of the statute as a whole and to its object and policy. . . . Moreover, because the governing standard is set forth in a criminal statute, it is appropriate to apply the rule of lenity in resolving any ambiguity in the ambit of the statute's coverage. To the extent that the language or history [] is uncertain, this "time-honored interpretive guideline" serves to ensure both that there is fair warning of the boundaries of criminal conduct and that legislatures, not courts, define criminal liability.

Crandon v. United States, 494 U.S. 152, 158 (1990). Reviewing Title 18 offers no explanation for the differing statutes of limitations that apply to a charge

of making false statements to procure naturalization, punishable under sections 1015 and 1425.

Lenity requires the application of the five (5) year statute of limitations because of the nature of the government's case and the prejudice caused to Ms. Farah's defense by the government's conscious choice to prosecute Ms. Farah under section 1425, with a longer statute of limitations period. The gravaman of the government's case arises from Ms. Farah's allegedly false statements on her application for asylum. The Indictment returned on April 19, 2005 alleges that Intisar Farah made materially false statements under oath during her naturalization interview when she falsely affirmed that the information contained in her application for naturalization was correct. It is apparent from the face of the Indictment and Bill of Particulars that the government prosecuted Ms. Farah for making false statements, under oath, and not for naturalization fraud. Further, the government prosecution focused overwhelmingly on the statements made on Ms. Farah's application for asylum, as demonstrated by the allegations contained in the Bill of Particulars.

Pursuant to the rule of lenity, a five (5) year statute of limitations should have been applied to this case, such that the Indictment filed by the government on April 19, 2005 for false statements made in 1995 was filed outside of the statute of limitations. The Court of Appeals, therefore, erred in affirming the denial of Intisar Farah's motion to dismiss the Indictment.

CONCLUSION

This Court should grant this petition for writ of certiorari and reverse the judgment of the Fourth Circuit Court of Appeals.

Respectfully submitted,

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APPENDIX

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4712

UNITED STATES OF AMERICA,
Plaintiff - Appellee,

versus

INTISAR KHALIF FARAH, a/k/a Intisar Ali,
Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonard D. Wexler, Senior District Judge, sitting by designation. (1:05-cr-00163-LDW).

Argued: May 25, 2007
Decided: August 14, 2007

Before WILKINSON, NIEMEYER, and GREGORY, Circuit Judges.

Affirmed by unpublished opinion. Judge Gregory wrote the opinion, in which Judge Wilkinson and Judge Niemeyer joined.

ARGUED: Melinda Laverne VanLowe, GREENSPUN, DAVIS & LEARY, P.C., Fairfax, Virginia, for Appellant. Jeanine Lineham, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee. ON BRIEF: Peter D. Greenspun, GREENSPUN, DAVIS & LEARY, P.C., Fairfax, Virginia, for Appellant. Chuck Rosenberg, United States Attorney, Edmund Power, Assistant United States Attorney, Aaron M. Zebley, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

GREGORY, Circuit Judge:
Intisar Khalif Farah appeals her conviction for procuring naturalization unlawfully in violation of 18 U.S.C. § 1425(a). She assigns error to several of the district court's evidentiary rulings and rulings on her pre-trial and post-trial motions. For the reasons set forth below, we affirm.

I.

Farah, a native of Somalia, entered the United States for the first time on January 10, 1983, as a non-immigrant with a student visa. In May 1984, the

Immigration and Naturalization Service ("INS") denied her application for an extension of stay and ordered her to depart the United States by July 13, 1984. Farah left for Mogadishu, Somalia, on July 10, 1984 and, later that summer, became engaged to marry Yusef Abdi Ali. At some point thereafter, Farah re-entered the United States, moving to Cape Giradeau, Missouri, in 1985 and to Alexandria, Virginia, in 1988.

On February 27, 1989, Farah applied for asylum. She stated in her application that January 11, 1983, was the date of her last arrival in the United States. She also stated that she and her family were members of the Isaaq clan and, as a result of that membership, she had been arrested three times, imprisoned, and tortured in Somalia. Her application was successful, and in December 1990, a year after receiving asylum, Farah applied for and was granted lawful permanent resident status as an asylee eligible for adjustment.

On December 21, 1990, Farah requested refugee status in Canada, where her husband believed it would be easier for him to obtain asylum. In making her request, Farah claimed that she feared persecution in Somalia because she was "Isaac [sic] [and] the government kills all of our people." J.A. 1871. Farah claimed that she was arrested and imprisoned in Somalia in August 1989, fled Somalia in November 1990, and spent one month illegally in the United States en route to Canada. Farah further claimed that she was in Ethiopia from June 1988 to August 1989. Farah denied on two separate Canadian applications that she had ever applied for refugee status in any other country.

In June 1991, Farah appeared before the Canadian Immigration and Refugee Board and testified that she was Isaaq, that she was arrested in Somalia in May 1988 for participating in a protest against then-President Siad Barre, and that she went to Ethiopia after being released from prison but, upon her return to Mogadishu in August 1989, was arrested with other Isaaqs for being Isaaq. Farah testified that her boyfriend procured her release from prison and that she fled Somalia a year later for Canada, stopping first in the United States to meet her boyfriend. The Canadian government denied Farah's refugee application and ordered her to depart Canada by October 13, 1992. Farah returned to the United States. In July 1993, Farah's parents and siblings were admitted to the United States as refugees because Farah's father, a member of the Darod clan in Somalia, had been singled out for persecution as a high-ranking member of the former Somali government.

On April 20, 1995, Farah became a United States citizen. She swore in her application for citizenship, and again during her interview with the INS, that her only absence from the United States since becoming a permanent resident was a visit to Canada from August 1991 to November 1991. Farah stated that she was living in Virginia and working in the District of Columbia from 1990 to 1992.

In December 1996, Farah sponsored her husband's admission to the United States and, in March 1998, Farah submitted a declaration to the Executive Office of Immigration Review on behalf of her husband. In that declaration, Farah provided details of her

background which were inconsistent with the details she provided in her applications for asylum, adjustment of status, and naturalization. Investigation into the affairs of Farah's husband provoked scrutiny of Farah's immigration file and, in December 1998, an INS official authored an internal memorandum identifying what the official considered false statements by Farah that were sufficient to denaturalize her.

On April 19, 2005, a grand jury indicted Farah for naturalization fraud. Farah filed a motion to dismiss for failure to return the indictment within the statute of limitations; the motion was denied after a hearing. In August 2005, in response to a court order, the Government filed a bill of particulars enumerating the allegedly materially false statements Farah made in her applications for asylum, lawful permanent residence, and naturalization. Farah then filed a renewed motion to dismiss for failure to return the indictment within the statute of limitations, a motion to dismiss for prejudicial pre-indictment delay and vindictive prosecution, and several motions in limine. After a hearing, the district court denied the motion to dismiss for prejudicial pre-indictment delay, stating that it would determine the issue during trial. The court reserved its decision on the motion regarding the statute of limitations and the motions in limine.

At trial in November 2005, the Government presented documents from the INS, including a copy of Farah's 1984 plane ticket from the United States to Somalia, establishing that Farah left the United States for Mogadishu around July 1984 and returned

to the United States sometime thereafter. Additionally, the Government showed that Farah's declaration on behalf of her husband states that she is a member of the Darod clan although she based her claim for asylum on her membership in the Isaaq clan. Accordingly, the Government presented evidence confirming that Farah and her immediate family are Darod, not Isaaq. At the time Farah applied for asylum, the Department of State considered members of the Isaaq clan to have a well-founded fear of persecution by Barre's regime and, consequently, a basis for being granted asylum in the United States. The Government therefore argued at trial that Farah knew a claim to have suffered mistreatment because she was Isaaq heightened her chances of being granted asylum. Also at trial, an INS officer testified that knowledge of Farah's false statements about her clan membership and her date of last entry into the United States would have resulted in the denial of her asylum application. Likewise, INS testimony established that if Farah had been truthful about living in Canada for approximately twenty-two months, rather than merely visiting Canada for three months, her extended absence from the United States would have rendered her ineligible to become a naturalized citizen. INS's knowledge that Farah obtained her lawful permanent resident status through fraud would have had the same consequence. An INS officer similarly testified that committing any fraud, generally, would have rendered Farah ineligible for adjustment of status.

The November 2005 trial ended in a hung jury. After a hearing conducted before the new trial, the district

court denied Farah's renewed motion to dismiss for failure to return the indictment within the statute of limitations and reserved its decision on her motion to exclude the testimony of several Government witnesses. A second trial in March 2006 ended with a verdict of guilty. The district court then denied all outstanding motions, including a motion by Farah for judgment of acquittal, and sentenced Farah to one month of incarceration and one year of supervised release. This appeal followed.

II.

Statute of Limitations

The district court denied Farah's renewed motion to dismiss for failure to return an indictment within the statute of limitations, finding that the indictment, dated April 19, 2005, was returned within ten years of the date Farah was naturalized, April 20, 1995. This Court reviews timely objections to an indictment de novo. United States v. Darby, 37 F.3d 1059, 1062-63 (4th Cir. 1994).

Farah does not dispute that the offense charged in the indictment, procuring naturalization unlawfully in violation of 18 U.S.C. § 1425(a), has a ten-year statute of limitations or that the one-day window the Government left itself in charging her is sufficient. Rather, Farah argues that the rule of lenity requires that the five-year statute of limitations for the offense of making a false statement in an immigration matter in violation of 18 U.S.C. § 1015 be applied to her case because the Government could have prosecuted her under that statute instead of under § 1425(a).

The rule of lenity provides that "ambiguity concerning the ambit of criminal statutes should be resolved in favor of lenity." United States v. Bass, 404 U.S. 336, 348 (1971). Farah submits that the ambiguity in her case arises in Congress's failure to explain the disparity between the statute of limitation for § 1425(a) and that for § 1015. The rule of lenity, however, "serves as an aid for resolving an ambiguity; it is not to be used to beget one." Callanan v. United States, 364 U.S. 587, 596 (1961). Here, there is no ambiguity regarding the single statutory offense with which Farah is charged--violation of § 1425(a)--and the statute of limitations for that offense. See United States v. Helem, 186 F.3d 449, 455 (4th Cir. 1999) (stating that rule does not apply where statute is not ambiguous). For this reason, Farah's reliance on United States v. Head, 641 F.2d 174 (4th Cir. 1981), is misplaced. In Head, this Court applied the rule of lenity when a single conspiracy count charged the defendant with conspiracy to commit several different offenses with different statutes of limitations. Here, by contrast, there is no confusion among applicable offenses (only one is charged in the indictment) or applicable statutes of limitations (only one applies to the offense charged). The district court properly denied Farah's motion to dismiss.

The 1998 INS Memorandum

The district court denied Farah's request for production of the 1998 INS memorandum detailing the author's belief that Farah made false statements on immigration applications and that there were grounds to denaturalize her in an administrative proceeding. The Government had notified Farah that

it would not produce the memorandum because the INS had marked it as confidential attorney work product, and had provided the court a copy of the memorandum for in camera inspection only. We review a district court's denial of discovery requests for abuse of discretion. United States v. Fowler, 932 F.2d 306, 311 (4th Cir. 1991).

As a rule, and pursuant to a discovery order entered in this case, any defendant may inspect items in the Government's possession that are "material to preparing the defense." Fed. R. Crim. P. 16(a)(1)(E)(i). "A showing of materiality must include 'some indication that the pretrial disclosure of the disputed evidence would have enabled the defendant significantly to alter the quantum of proof in his favor.'" United States v. Kirk, 877 F.2d 61, 1989 WL 64139, at *2 (4th Cir. 1989) (unpublished) (quoting United States v. Ross, 511 F.2d 757, 762-63 (5th Cir. 1975), cert denied, 423 U.S. 836 (1975)).

Farah argues that, in denying her request for production, the district court improperly focused on whether the Government was going to use the memorandum at trial (the Government said that it would not) and improperly relieved the Government of its burden to show that the memorandum actually constituted attorney work product. Cf. In re Grand Jury Proceedings, 102 F.3d 748, 750 (4th Cir. 1996) ("The work-product privilege protects the work done by an attorney in anticipation of litigation."). Farah also argues that the memorandum was relevant to her motion to dismiss the indictment for prejudicial pre-indictment delay and her ability to identify potential trial witnesses. By the time the court heard

arguments on Farah's request for production, however, the Government had filed not only a bill of particulars but also more than one thousand pages of discovery in advance of both trials. Cf. Ross, 511 F.2d at 763 (stating that the "extensiveness of the material which the Government did produce and the availability of the disputed material from other sources, including the defendant's own knowledge, must also be considered" in determining materiality); United States v. Automated Med. Labs., Inc., 770 F.2d 399, 406 (4th Cir. 1985) (stating that the purpose a of bill of particulars "is to fairly apprise the defendant of the charges against him so that he may adequately prepare a defense and avoid surprise at trial"). Given this evidence, it is not clear that the memorandum would have significantly altered the quantum of proof in Farah's favor. Because Farah cannot make the requisite showing, and because the Government did not intend to use the memorandum at trial and the memorandum is, on its face, attorney work product, the district court did not abuse its substantial discretion to manage the discovery process by denying Farah's request.

Prejudicial Pre-Indictment Delay

The district court denied Farah's motion to dismiss the indictment for prejudicial pre-indictment delay, in which Farah asserted that the Government's delay of up to seventeen years[1] * in indicting her deprived her of testimonial and documentary evidence

[1] Farah's repeated reference to a delay of ten-to-seventeen years is simply incredible, as any number over ten amounts to a claim that the Government failed to indict her even before the date she committed the charged offense, April 20, 1995.

necessary to her defense. We review timely objections to an indictment de novo. Darby, 37 F.3d at 1062-63.

The Fifth Amendment's Due Process Clause requires dismissal of an indictment when a defendant establishes actual prejudice resulting from the Government's delay, and, after balancing the defendant's prejudice against the Government's justification for the delay, we find that "the [G]overnment's action in prosecuting after substantial delay violates 'fundamental conceptions of justice' or 'the community's sense of fair play and decency.'" Jones v. Angelone, 94 F.3d 900, 904 (4th Cir. 1996) (citation omitted). Two of Farah's examples of actual prejudice lack merit. First, Farah claims that her father, who died in 1996, could have offered credible, exculpatory testimony about Farah's clan identification. But Farah's father died two years before 1998, the year she argues she should have been indicted because the INS memorandum emerged that year. Even by Farah's timeline, her father never would have been available to testify. Second, Farah asserts that her conviction will have drastic immigration consequences for her family. But had Farah been indicted at precisely the same moment, yet acquitted, her family would suffer no immigration consequences. Thus, Farah's conviction is problematic for her family, not her delayed indictment.

Farah's other examples of actual prejudice have merit. First, Farah asserts that the delay made it difficult for her to verify that she was living and working in the United States and not Canada in 1991 and 1992--a major trial issue. Farah could not locate leases and bank records that could confirm her

residence approximately fifteen years ago, and, in the last ten years, her former employer's business dissolved. Both her former employer and his accountant destroyed the records that could have verified her employment during 1991 and 1992, and her former employer could not independently recall her dates of employment. Second, Farah asserts that the delay made it difficult to unearth evidence that could support statements she made on her asylum application--also a major trial issue. Two of the immigration officials who testified at trial about Farah's 1989 asylum application could not remember Farah, and her former immigration lawyer destroyed her asylum file.

These latter claims of prejudice are sincere, but describe problems--faded memories, lost evidence--that attend every case brought just barely within the statute of limitations. Cf. United States v. Marion, 404 U.S. 307, 326 (1971) (observing "the real possibility of prejudice inherent in any extended delay: that memories will dim, witnesses become inaccessible, and evidence be lost"). Nonetheless, we assume Farah has shown actual prejudice, and balance that prejudice against the Government's justification for its delay.

The Government, arguing that there was no delay, correctly notes that, although Farah maintains that the Government knew of her offenses in 1998 and should have indicted her then, the document on which she relies is an internal communication between attorneys at an agency with no authority to prosecute Farah. See 28 U.S.C. §§ 547(1),(2). The U.S. Attorney's Office, the only prosecuting authority for

Farah's crime, first learned of Farah's crime in September 2004, just seven months before the indictment. Farah does not dispute this fact or argue that seven months constitutes an unreasonable delay. Nor, we note, does Farah allege nefarious motives on the Government's part. See also Automated Med. Labs., 770 F.2d at 404 (considering it relevant, in declining to find a due process violation, that "there is no indication that the Government intentionally delayed to gain some tactical advantage").

Having balanced the Government's position regarding its alleged delay against Farah's quite ordinary claims of prejudice, we cannot say that her indictment offends "fundamental conceptions" of justice, fair play, or decency. Jones, 94 F.3d at 904. We affirm the denial of Farah's motion to dismiss for prejudicial pre-indictment delay.

Exhibits 1-1 through 1-21

Exhibits 1-1 through 1-21 are documents from Farah's immigration file, including her applications for asylum, lawful permanent residence, and naturalization, her green card and naturalization certificate, and communications sent to Farah by the INS. Farah argues that the documents should have been excluded from evidence for a variety of reasons. We review the district court's evidentiary rulings for abuse of discretion. Gen. Elec. Co. v. Joiner, 522 U.S. 136, 141 (1997).

Farah's myriad protests fail. The documents were kept in the course of regularly conducted business at the INS and are therefore admissible as business records. Fed. R. Evid. 803(6). Testimony established (and Farah's appellate brief admits) that Farah

herself either inscribed directly or supplied indirectly much of the information in the documents, therefore many of the statements within the documents are admissible as party admissions. Fed. R. Evid. 801(d)(2)(A). Finally, even if the stray markings by INS officials on the applications were nonverbal conduct intended as assertions and therefore "statements" under the Rules of Evidence, see Fed. R. Evid. 801(a), as Farah asserts, they fall within the business records exception to hearsay based on the testimony of two Government witnesses about the markings. In sum, the district court did not abuse its discretion in admitting Exhibits 1-1 through 1-21.

Exhibits 7-1 through 7-9

The district court also did not abuse its discretion in admitting into evidence Exhibits 7-1 through 7-9, documents from Farah's Canadian immigration file. Farah argues that (1) the exhibits do not qualify as business records, and that (2) the Government impermissibly offered these exhibits to prove Farah's bad character (i.e., dishonest) or bad acts committed in conformity with her character (i.e., making false statements to immigration officials in the United States).

In challenging the admission of her Canadian immigration file as a business record, Farah raises many of the same, unavailing arguments she raised in challenging the admission of her INS immigration file. Her additional argument that the Canadian file is incomplete, preventing the court and the parties from knowing whether critical information that would place the exhibits in a different light, lacks merit: whether the file qualifies as a business record

does not depend on whether it includes every potentially relevant document. Her argument that the file contains an opinion and order issued by the Canadian Immigration and Refugee Board when, under Nipper v. Snipes, 7 F.3d 415 (4th Cir. 1993), court orders do not fall within the business records exception to the hearsay rule, is misplaced. Nipper actually holds that judicial findings of fact are not "public records" within the meaning of the public records exception to hearsay found in Federal Rule of Evidence 803(8)(C). 7 F.3d at 417. Neither party to this appeal invokes 803(8)(C) and, because the factual findings in the opinion and order were redacted, none remain about which to complain.

Farah's classification of Exhibits 7-1 through 7-9 as character evidence also fails. Under Rule 404(b) of the Federal Rules of Evidence, evidence of other crimes or wrongs "are admissible if they are (1) relevant to an issue other than character, (2) necessary, and (3) reliable." United States v. Rawle, 845 F.2d 1244, 1247 (4th Cir. 1988). Here, the Government introduced the Canadian immigration documents as circumstantial evidence that Farah lived in Canada in 1991 and 1992, and as evidence that Farah falsely stated on her application for naturalization in the United States that she had stayed in Canada for less than six months. Where, as here, evidence "is admitted as to acts intrinsic to the crime charged, and is not admitted solely to demonstrate bad character, it is admissible." United States v. Chin, 83 F.3d 83, 88 (4th Cir. 1996). Even if, as Farah additionally claims, the Government referenced the exhibits in remarking on Farah's character during its closing argument, we cannot say

that the district court abused its discretion in admitting Exhibits 7-1 through 7-9 as business records.

Exhibits 2-1 through 2-6

The district court did not abuse its discretion in admitting Exhibits 2-1 through 2-6, documents from the immigration file of Farah's father. The court admitted the documents under Federal Rule of Evidence 803(6), the business records exception to hearsay, and Rule 804(b)(4), the exception for statements of an unavailable declarant concerning the declarant's or a relative's personal or family history. Under the latter rule, because Mr. Farah was unavailable at trial (he was deceased), his statements concerning his and his family's clan membership are excepted from the hearsay rule. Farah's assertion that clan membership in Somalia is not as straightforward and mechanical as facts concerning dates of birth, marriage, and the like allowed under Rule 804(b)(4) is not sufficient to disturb the district court's decision to admit Mr. Farah's statements under the rule.

Farah's final argument that the admission of Mr. Farah's file violates her rights under the Confrontation Clause is also unavailing. The Confrontation Clause bars the "admission of testimonial statements of a witness who did not appear at trial unless he was unavailable to testify, and the defendant had a prior opportunity for cross-examination." Crawford v. Washington, 541 U.S. 36, 53-54 (2004). Mr. Farah's statements were not testimonial because the "primary purpose" (any future purpose is irrelevant) of Mr. Farah's

interrogation, liberally assuming his immigration interviews can even be called that, was not "to establish or prove past events potentially relevant to later criminal prosecution." Davis v. Washington, 126 S. Ct. 2266, 2274 (2006). The primary purpose was to determine Mr. Farah's eligibility for an immigration benefit. Our highly deferential standard of review leads us to affirm the district court's decision here as well.

Authentication of Exhibits in Groups 1 and 2

Farah asserts that Exhibits 1-1 through 1-21 and 2-1 through 2-6, documents from her and her father's immigration files were not properly authenticated because, according to Farah, the Government alleged only that she and her father signed the documents. The Government argues that for purposes of authentication, the documents were public records under Federal Rule of Evidence 901(b)(7) and did not require handwriting authentication. We review decisions of the district court regarding authentication for abuse of discretion. United States v. Patterson, 277 F.3d 709, 713 (4th Cir).

The parties agree that, under Rule 901(a), the "requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what the proponent claims." Fed. R. Evid. 901(a). "To meet the threshold established by Rule 901(a), the party seeking to introduce physical evidence must provide a basis for the jury to resolve the authenticity question in favor of that party." Patterson, 277 F.3d at 713 (quotation marks omitted). Rule 901(b)(1) provides that a

witness with knowledge may authenticate a piece of evidence by testifying that a matter is what it is claimed to be. A party need not rely on "nonexpert opinion as to the genuineness of handwriting" to authenticate or identify a document, so long as another method of conforming with Rule 901(a) is used.

Here, the INS record custodian had knowledge of documents kept by the INS and testified that the documents in the Farahs' files are what the Government claims. Cf. United States v. Hernandez-Herrera, 952 F.2d 342, 344 (10th Cir. 1991) ("We find that the testimony of Wheeler, an INS agent familiar with the record keeping practices of the INS regarding Exhibits 1-4, establishes the authenticity of these exhibits under Rule 901(b)(7)."). Further, contrary to what Hernandez-Herrera suggests, it is not necessary for the Government to invoke Rule 901(b)(7) for authentication; testimony pursuant to Rule 901(b)(1) sufficed.

The Expert Testimony of Dr. Lee Cassinelli

The Government called Dr. Lee Cassinelli, a researcher of Somali culture, to establish that clan identity in Somalia is patrilineal and to elicit his opinion that, based on her father's clan identity, Farah is Darod, not Isaaq. Farah argues that Dr. Cassinelli's testimony should have been excluded under Federal Rule of Evidence 702 because it was not reliable (he did not interview Farah, her family, or her friends), it did not aid the jury in determining a fact in issue (what Farah phrases as her belief about her clan identity), and it was generally more prejudicial than probative. We review the district

court's decisions regarding the admission of expert testimony for abuse of discretion. United States v. Mohr, 318 F.3d 613, 622 (4th Cir. 2003).

"Unlike an ordinary witness, see Rule 701, an expert is permitted wide latitude to offer opinions, including those that are not based on firsthand knowledge or observation." Daubert v. Merrell Dow Pharma., Inc., 509 U.S. 579, 592 (1993). Dr. Cassinelli, therefore, did not need personal knowledge of Farah's clan identity or a personal interview with Farah to opine about her clan identity. His testimony about Somali clan structure was relevant, a fact Farah concedes, and Farah had the opportunity on cross-examination to show the jury that, although Dr. Cassinelli believed he knew what clan Farah belongs to, there would be no way for him to know what clan she believes she belongs to. Accordingly, the district court did not abuse its discretion in admitting Dr. Cassinelli's expert testimony.

The Expert Testimony of Mary von Briesen, et al.

Farah argues that the district court improperly allowed Mary von Briesen, Edward Newman, Michael Comfort, and Stanford Knight, all lay witnesses, to offer what amounted to expert testimony about the asylum, lawful permanent residence, or naturalization process. We review for abuse of discretion. United States v. Hassouneh, 199 F.3d 175, 182 (4th Cir. 2000).

Federal Rule of Evidence 701 provides that a lay witness may express opinions that are "(a) rationally based on the perception of the witness, (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue, and not based on

scientific, technical, or other specialized knowledge within the scope of Rule 702 [on testimony by expert witnesses]." The rule "permits lay witnesses to offer an opinion on the basis of relevant historical or narrative facts that the witness has perceived." Certain Underwriters at Lloyd's, London v. Sinkovich, 232 F.3d 200, 203 (4th Cir. 2000) (quotation marks and citations omitted).

Newman, Comfort, and Knight, former INS immigration examiners, and von Briesen, an officer at the Department of State, explained the requirements for obtaining asylum, lawful permanent resident status, or naturalization, and the applicant's duty to be truthful. The four witnesses expressed opinions based on relevant facts that they perceived in completing departmental functions. Their opinions about the consequences for an applicant who makes an untruthful statement on an application were based on firsthand knowledge of department protocol that is not overly technical or particularly specialized in nature. In addition, although the Government conceded that Comfort could be certified as an expert and that "it [was] certainly sufficient for someone with this man's amount of experience to say this is how they were trained, this is our procedure, this is the law, and this is why the statements are material," we cannot say that the district court abused its discretion in allowing Comfort, any more than it did von Briesen, Newman, and Knight, to testify as a lay witness rather than as an expert witness. J.A. 1252-53.

Farah additionally observes that Newman and Comfort did not process any of her immigration

papers or interview her in conjunction with any of her immigration applications, and Knight reviewed her application but testified that he could not recall any details about his review. Accordingly, Farah argues, their testimony as to what information is material in determining whether an immigration application should be granted was mere speculation as to the information that was actually material to the immigration officers who did review her applications and, therefore, their testimony was irrelevant and inadmissible. See Fed. R. Evid. 402. For the reasons just stated, we find this argument, too, unavailing. The district court did not abuse its discretion in allowing the testimony of von Briesen, Comfort, Newman, and Knight.

Motion for Judgment of Acquittal

After the jury returned a guilty verdict, Farah unsuccessfully moved for judgment of acquittal. She argued that the Government presented several witnesses who lacked personal knowledge about her applications for asylum and naturalization, that it presented insufficient evidence to prove that she was not in the United States from January 1991 until October 1992, and that it never offered evidence about Farah's personal understanding of her clan identity or evidence to prove that Farah was not persecuted as she described. We review de novo a district court's denial of a motion for judgment of acquittal. United States v. Smith, 451 F.3d 209, 216 (4th Cir. 2006). We must "sustain a guilty verdict if, viewing the evidence in the light most favorable to the prosecution, the verdict is supported by 'substantial evidence.'" Id. (citation omitted). Substantial evidence is "evidence that a reasonable

finder of fact could accept as adequate and sufficient to support a conclusion of a defendant's guilt beyond a reasonable doubt." Id. (citation omitted).

Viewing the evidence in the light most favorable to the Government, substantial evidence--much of it catalogued earlier in this opinion--supports the jury's guilty verdict. The Government's case was not without its weaknesses, but the "jury, not the reviewing court," fills in the holes as it elects by "weigh[ing] the credibility of the evidence and resolv[ing] any conflicts in the evidence presented." Id. at 217 (citation omitted). Moreover, even Farah concedes that she has provided "inconsistent statements" on her immigrations applications and the question is simply whether her statements were knowingly false as opposed to something more benign. We sustain the district court's refusal to enter a judgment of acquittal.

Motion for a Mistrial

Finally, Farah argues that two statements made by the Government during closing arguments required the district court to grant her motion for a mistrial. Because the "denial of a defendant's motion for a mistrial is within the sound discretion of the district court," we will disturb such a denial "only under the most extraordinary of circumstances." United States v. Dorlouis, 107 F.3d 248, 257 (4th Cir. 1997).

Farah first highlights the Government's remark that defense counsel had not offered a defense to Farah's alleged false statements and, instead, had merely "attack[ed] the government for taking the time" to investigate and indict Farah. J.A. 1725. Farah contends that this statement required a curative

instruction, which the district court declined to give, because it improperly suggested to the jury that Farah had a burden to present a defense. Second, the Government surmised to the jury that if it had indicted Farah any earlier, she would have argued that the Government "rushed judgment." J.A. 1727. Farah contends that this statement led the jury to believe that the Government had been investigating her since the date of her crime, a suggestion she could not rebut because she could not use the 1998 INS memorandum at trial.

Our test to determine whether alleged incidents of prosecutorial misconduct warrant reversal asks first, whether the prosecutor's remarks or conduct was improper, and second, whether such remarks or conduct prejudicially "affected the defendant's substantial rights so as to deprive [her] of a fair trial." United States v. Stockton, 349 F.3d 755, 762 (4th Cir. 2003) (citation omitted). Under this test, the Government's statements, taken as a whole, were merely argumentative--in the fashion of closing arguments--and therefore not improper. Further, the statements did not deprive Farah of a fair trial because the district court adequately instructed the jury that the burden of proof remained with the Government and that closing arguments are not evidence. On these facts, no mistrial was warranted.

III.

For the foregoing reasons, we affirm the rulings of the district court.

AFFIRMED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

FILED
September 11, 2007

No. 06-4712
1:05-cr-00163-LDW

UNITED STATES OF AMERICA
Plaintiff - Appellee
v.
INTISAR KHALIF FARAH, a/k/a Intisar Ali,
Defendant - Appellant

On Petition for Rehearing and Rehearing En Banc

The appellant's petition for rehearing and rehearing en banc was submitted to this Court. As no member of this Court or the panel requested a poll on the petition for rehearing en banc, and

As the panel considered the petition for rehearing and is of the opinion that it should be denied,

IT IS ORDERED that the petition for rehearing and rehearing en banc is denied.

Entered for a panel composed of Judge Wilkinson, Judge Niemeyer, and Judge Gregory.

For this Court,
/s/ Patricia S. Connor
CLERK

UNITED STATES CATHOLIC CONFERENCE

Received by JOINT VOLUNTA... AGENCY
DATE: 9 DEC 1992
INITIAL:

DIOCESE OF

MIGRATION AND REFUGEE SERVICES
DIOCESE OF ARLINGTON
9158 WAKEFIELD STREET
~~ARLINGTON, VA 22204~~

AFFIDAVIT OF RELATIONSHIP

SECTION I:

Date filed: Nov 23, 1992

I am filing this Affidavit for the following person(s) located in Nairobi, Kenya (Country of asylum overseas)

Date of arrival in that country: Jan 01/91

NAME AND A/K/A (underline family name)	SEX	PLACE/DATE OF BIRTH (If Known)	RELATION TO YOU	PRESENT LOCATION OR ADDRESS
Khalif H Farah	M	Burao Nov 30/1930	Father	Nairobi, Kenya
Hawa Ali Ahmed	F	Burao May 2/1941	Mother	" "
Amina Khalif Farah	F	Mogadishu Oct 1/1960	Sister	" "
Abdiwasir Khalif Farah	M	" " Feb 2/1964	Brother	" "
Abd Khalim Khalif Farah	M	" " April 17/1970	Brother	" "
Hodo Sapir Khalif Farah	M	" " March 9/1973	Brother	" "
Abd Halim Khalif Farah	M	" " Jan 20/1976	Brother	" "
Ashucad Khalif Farah	F	" " July 12/1976	Sister	" "
Muna Khalif Farah	F	" " April 5/1981	Sister	" "
Abdiladif Khalif Farah	M	" " April 11/1982	Brother	" "
Mohamed Khalif Farah	M	" " Jan 2/1985	Brother	" "
Mahamud Khalif Farah	M	" " July 20/1988	Brother	" "
Mahad Khalif Farah	M	" " Jan 11/1989	Brother	" "

25a

SECTION II:

Your name Intisar Khalif Farah

(and A/K/A)

Alien Number (if applicable) A022740176

Date of birth July 23/1961 Sex F

Place of birth (Include Country) Hargeysa, Somalia

Current address 4652 Elan Ct
Annandale, VA
22003

Phone Number (home) 703-256-3507
(work)

Your U.S. Immigration Status (Check one):

( ) U.S. Citizen Certificate #
(X) Permanent Resident
( ) Refugee
( ) Asylee
( ) Other (Please Explain):

Your Original Case Number:

Country of first asylum USA

Date you arrived in the U.S. Jan 1983

Your Social Security Number 497-86-6674

Agency through which you came to the United States

I have filed an I-130 (Immigrant Visa Petition) for each of my relative(s) prior to submitting this affidavit _ Yes _ No. If yes, date submitted:
and date approved:

YOU MUST INCLUDE A COPY OF BOTH SIDES OF YOUR I-94 OR YOUR PERMANENT RESIDENT ALIEN CARD (I-151, I-551, GREEN CARD). WITHOUT THESE DOCUMENTS, YOUR AFFIDAVIT IS NOT VALID.

The purpose of this Affidavit is to verify your relationship to refugees overseas. Failure to provide complete and accurate information may impede the admission of requested refugees to the U.S. If the information is unknown to you, indicate "unknown". If anyone uses an alias, provide it. If anyone is deceased or their present location is unknown, please indicate. Be sure to include all relatives as specified, anywhere in the world, living, deceased or missing. Use the space marked "Additons/Explanations" to explain any unusual relationships including adopted, half, or step relatives.

(Revised 10/86)

GOVERNMENT EXHIBIT 2-1 1:05CR163

BEST AVAILABLE COPY

SECTION III:

	NAME AND A/K/A	PLACE/DATE OF BIRTH (If Known)	PRESENT LOCATION/ ADDRESS (If Known)
Your father	Khalif H Farah	Burao, Nov. 30/1930	Nairobi, Kenya
Your mother	Hawo Ali Ahmed	Burao, May 2/1942	" "
Step-father			
Step-mother			
Spouse	Yusuf ABD: Ali		USA

Date(s) Place(s) of Marriage(s) and/or Divorce(s)
Nov 20/1992 Fairfax, VA.

SECTION IV:
List ALL your Children (living, deceased or missing:blood,step,half or adopted)

NAME and A/K/A	SEX	PLACE/DATE OF BIRTH (If Known)	PRESENT LOCATION/ ADDRESS (If Known

SECTION V:
List ALL your Brothers and Sisters(living,deceased or missing; blood, step, half or adopted)

NAME and A/K/A	SEX	PLACE/DATE OF BIRTH (If Known)	PRESENT LOCATION/ ADDRESS (If Known)
Asha Khalif Farah	F	Mogadish, Oct 01/1966	
Abdinasir Khalif Farah	M	" ——— " Feb 01/1964	
Abdi Khaleq Khalif Farah	M	" ——— " April 12/1970	Nairobi
Abdi Qafar Khalif Farah	M	" ——— " March 3/1973	
Abdi Hakim Khalif Farah	M	" ——— " Jun 25/1976	Nairobi
Mahmoud Khalif Farah	M	" ——— " July 12/1978	
Hawa Khalif Farah	F	" ——— " April 5/1983	
Abdifatah Khalif Farah	M	" ——— " April 11/1984	
Mohamed Khalif Farah	M	" ——— " Jun 2/1985	
Mahamud Khalif Farah	M	" ——— " July 29/1988	
Mahad Khalif Farah	M	" ——— " Jun 11/1989	

SECTION VII: NOTARIZED SIGNATURE OF APPLICANT
I swear that the information in this statement is true to the best of my knowledge, and understant that any false statement could jeopardize my immigration status in the United States.

Ivanisse Farah

Subscribed and sworn to me this
23rd day of November 1992

Stamp or Seal of Notary

Signature of Notary Public
My commission expires: Feb 28, 1994

SECTION VIII: AGENCY REPRESENTATIVE WHO ASSISTED IN PREPARING THIS AFFIDAVIT

Print Name Legibly

Signature

REGISTRATION FOR CLASSIFICATION AS REFUGEE Section 207 Immigration and Nationality Act

Form Approved Budget Bureau No. 43-R0400

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

File No. A70-417-425

REGISTRANT TO FURNISH THE FOLLOWING INFORMATION (READ INSTRUCTIONS ON REVERSE)

TYPE OR PRINT

1. My name is: First: KHALIF Middle: HAGI Last: FARAH

2. My present address is: KAMBACK ESTATE, NAIROBI, KENYA.

3. I was born on (Month/Day/Year): NOV. 30. 1930 Place of birth (City or Town): BURAO (Province): TOGDHERE (County): SOMALIA My present nationality is: SOMALI

4. Height: 179cm Weight: 68Kg Race: BLACK Hair: GRAY Complexion: BROWN Marks or Scars: WOUND MARKS ON LEFT LEG

5. I left or was displaced from (Name of country): I fled SOMALIA On or about (Month): 12-3 (Day): 3/12 (Year): 1991

6. Reasons: (State in detail) AFTER CONSTANT HARASSMENT, LOOTING OF PROPERTY, ATTACKS WITH ASSAULT RIFLES, DEMOLISHING OF MY HOUSES WITH RUSSIAN ROCKETS KILLING ARE MY BROTHER AND DISABLING MY LEAN AND INJURING ME WITH BULLET WOUNDS SERIOUSLY ON MY LEFT LEG. ASSYCLUM SEEKER

7. My present immigration status is: (Country in which residing) IN KENEYA DOA: 6 Jan 3/91

The evidence of my immigration status in the country in which I am residing is: 'INTER RESETTLEMENT REGISTRATION FORM' DATED ARR 1988 Nairobi Somalia NAIROBI 87/288 BY M. OF HAFFAIRS

8. My spouse's name is: HAWA ALI AHMED

9. (If divorced) present address is: STAYING WITH ME

10. Spouse's nationality is: SOMALI

11. My spouse ☒ will ☐ will not accompany me to the United States.

12. Name of child(ren)	Date of birth	Place of birth		Present address
FANISA KHALIF	1968	METEISHA	X	STAY WITH US
ABI: NASIF KHALIF	1964	—	X	
ABDI KHALIF	1970	—	X	
HIRSI GAGAB	1975	—	X	
ABDI HALIM	1978	—	X	

If you mark (X) in front of name of each child who will accompany you to the United States.

13. Schooling or Examination

Name and location of school	Type	Dates attended	Class or Degree or Diploma
SHOW H INTERMEDIATE	Sec	1985	1985
AND SECONDARY	SCHOOL		

14. Name of child(ren)	Date of birth	Place of birth	Present address
Ahmed Khalif	1978	Somalia	Nairobi Kenya
Hussein "	1983	"	" "
Hawa "	1982	"	" "
Abdullahi "	1984	"	" "
Mohamud "	1987	"	" "
Mohamud "	1988	"	" "

If you mark (X) in front of name of each child who will accompany you to the United States.

Form I-590 (Rev. 6-1-86) N

12. Name of child(ren)	Date of birth	Place of birth	Present address
Ahmed Khalif	1979	Somalia	Nairobi Kenya
Hussein "	1981	"	USA - 1983

If you mark (X) in front of name of each child who will accompany you to the United States.

GOVERNMENT EXHIBIT 2-2 1:05CR163

15. List below all organizations, societies, clubs, and associations past or present, in which I have held membership, and the periods and places of such membership. (If you have never been a member of any organization, state "None") NONE

Chamber of Commerce

16. I ☐ have ☒ have not been charged with a violation of law. (If you have ever been charged with a violation of law, give date and place and nature of each charge and the final result) NONE

17. I ☒ have ☐ have not been in the United States. (If you have ever been in the United States, show the dates of entry and departure and the purpose of your entry: Visitor, permanent resident, student, seaman, etc.) 1993 N.Y. UNO- BOARD OF EXECUTIVES OF UNICEF, 1990 DA MEETING WASHINGTON D.C. File or Alien Registration number: MEMBER OF GOVT. DELEGATION IN BOTH CASES

18. I have the following close relatives in the United States:

Name	Relationship	Present address
INTISAR KHALIF FARAH	DAUGHTER	4400 ELAN CT ANNANDALE VA 22003

19. I am being sponsored by (Give name and address of United States Sponsor) USA CATHOLIC CONFERENCE USCC DIOCES OF ARLINGTON 316 B WAKE FIELD ST. ARLINGTON VA 22204 USA

Date	Signature of registrant
23 JUN 1993	

DO NOT WRITE BELOW THIS LINE

I, _____, do swear (affirm) that I know the contents of this registration subscribed by me including the attached documents, that the same are true to the best of my knowledge, and that corrections, numbered ( ) to ( ), were made by me or at my request, and that this registration was signed by me with my full, true name:

(Complete and true signature of registrant)

Subscribed and sworn to before me by the above-named registrant at NAIROBI, Kenya STANCE, Kenya on 7-22-93 (month)(day)(year)

(Signature and title of officer)

INTERVIEW

DATE 7-22-93

AT NAIROBI, Kenya

(Immigration officer)

APPROVED

DISTRICT DIRECTOR

DATE JUL 22 1993

Recommended by:

RIT | 6616

Officer in Charge

ADMITTED AS A REFUGEE PURSUANT TO SECTION 207 OF THE INA FOR AN INDEFINITE PERIOD OF TIME. IF YOU LEAVE THE U.S. YOU WILL NEED TO APPLY PERMISSION FROM INS TO RETURN.
EMPLOYMENT AUTHORIZED.

NYC DATE 9388 IMM OFFICER

INSTRUCTIONS

This form should be executed, signed and submitted to the Officer-in-Charge of the nearest overseas office of the United States Immigration and Naturalization Service. When your name has been reached as a registrant you will be furnished additional instructions.

1. REGISTRATION - A separate Registration Form must be executed by each registrant and submitted in one copy. A Registration Form in behalf of a child under 14 years of age shall be executed by the parent or guardian.

2. ASSURANCES - Assurance Form I-591 executed by a United States sponsor will be required before your refugee status may be authorized but need not be submitted at this time.

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REFUGEE APPLICATION WORKSHEET

APPLICANT: Khaliq Haji Farah FILE: A70-417-425

PRIORITY: 11/26/93 ACCOMPANYING FAMILY: +12 PLACE OF BIRTH: Somalia

DATE DEPARTED: 2/91 LAST RESIDENCE: Somalia

ARRIVAL IN KENYA: 3/91 RELIGION: Moslem

TRIBE/CLAN/SUBCLAN: Hawad POLITICAL GROUP:

INS OFFICER: TITLE:

SIGNATURE: DATE: JUL 22 1993

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INTERVIEW NOTES

Came direct from Somalia to Kenya. PA was deputy of the Chamber of Commerce. Claims Aidead people attack. PA's daughter is in the U.S. since 1983. PA claim his house was attacked by Aideeds forces on or about Nov 28, 1991. PA claims Raping and looting happened everynight, therefore, he moved his family to Kismayo, Reason he did not go with them is because he wanted to salvage some of his properties. PA State since he held a high position in the Government Aideeds people on 1/28/93 singled his out by first bombarding his house and then attacking his home. His brother & son-in-law were shot and killed at close range, PA was wounded by Rifle fire in his left and was presumed for dead. After this he observed his aunt who was also in her house being raped. The next day neighbors took PA out of the area. The remaining parts of the article is unknown

GOVERNMENT EXHIBIT 2-3 1:05CR163

CASE ANALYSIS

1. SUBJECTIVE FEAR: fear + future persecution

2. OBJECTIVE BASIS FOR FEAR: singled out

3. PERSECUTION GROUND:

RACE RELIGION NATIONALITY POLITICAL OPINION (SOCIAL GROUP)

4. CONCLUSION: (A) IS THERE PAST PERSECUTION? (YES) NO
(B) IS THERE A WELL FOUNDED FEAR OF FUTURE PERSECUTION? (YES) NO
(1) WAS THE APPLICANT SINGLED OUT? (YES) NO
(2) WAS THE APPLICANT IDENTIFIED WITH A SIMILARLY SITUATED GROUP? (YES) NO

5. IS THERE A CREDIBLE BASIS FOR CONCERN ABOUT THE POSSIBILITY OF PERSECUTION? (YES) NO

IF YES, CREDIBLE BASIS IS ESTABLISHED BY:

_____ ACTUAL PAST PERSECUTION

_____ ACTS OF PERSECUTION AGAINST SIMILARLY SITUATED INDIVIDUALS

_____ OTHER: _____

6. IS THE APPLICANT CREDIBLE: (YES) NO

IF NO: _____ THERE ARE INCONSISTENCIES BETWEEN THE WRITTEN AND ORAL TESTIMONY AS FOLLOWS:

_____ TESTIMONY IS NOT CONSISTENT WITH THE GENERAL INFORMATION KNOW ABOUT THE APPLICANT'S COUNTRY AS FOLLOWS:

_____ OTHER AS FOLLOWS:

THE CASE IS: APPROVED DENIED (REASON FOR DENIAL ON DENIAL LETTER IN THE FILE)

JUSTIFICATION

PA and his family were singled out and established past persecution and a well founded fear of future persecution.

This page is to be completed both front and back for each person age 17 and older.

Personal History

K KE 417-455

Interviewer CR | PAGE OF

Principal applicant

Name	Sex(M/F)	Birthdate	Birthplace	Relationship to PA
KHALIF HAGI FARAH	M	1930	1930 -	PA

OCCUPATIONS, WORK HISTORY AND EDUCATION:

	19		Location
		CIVIL SERVICE, WATER SECTOR, MAINLY General Manager MOGADISHU WATER AGENCY from 1976 - 1979	
		General Manager of WATER DEVELOPMENT Agency from 1979	MOGADISHU Somalia
		to 1986, and Retired on 1-4-86	
		Elected Member AND VICE CHAIRMAN - CHAMBER OF COMMERCE, 1989 - 1990	✓
		Small Business - Soyaan	
		SECONDARY SCHOOL Completed 12th Gr	REASONS FOR LEAVING SCHOOL: SCONDRY WAS THE HIGHIEST SCHOOL at that time
9		PRIMARY SCHOOL	

LANGUAGE ABILITY	Fluent	Good	Fair	Poor	OTHER	Fluent	Good	Fair	Poor	
ENGLISH	✓				ARABIC	✓				Read, Speak, Write, Understand — Literate
FRENCH					ITALIAN				✓	

FOR WOMEN — Are you pregnant? Yes No — If pregnant, what month do you think the baby will be born?

— — N/A

ETHNIC/RELIGION MUSLIM / SOMALI / DAROD

GOVERNMENT EXHIBIT 24 1:05CR163

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CASE REFERENCE No. FO: _____ COUNTRY ASYLUM: Kenya

HQs: _____ DATE OF ARRIVAL: 12th march 1991

UNHCR RESETTLEMENT REGISTRATION FORM

1. APPLICANT/HEAD OF FAMILY

A. FAMILY NAME: Mohamed[ka] B. GIVEN NAMES: Khalif Haji Farah.

C. OTHER NAMES: _____ D. MAIDEN NAME:* _____

E. PLACE OF BIRTH
COUNTRY: Somalia
LOCALITY/CITY: Burao

F. DATE OF BIRTH: ____ NOV. 1930 (DAY) (MONTH) (YEAR)

G. SEX:** (MALE) FEMALE

H. NATIONALITY: Somali
(OR IF STATELESS, COUNTRY OF FORMER HABITUAL RESIDENCE)

I. MARITAL STATUS:** SINGLE / ENGAGED / (MARRIED) DIVORCED / WIDOWED / SEPARATED / COMMON-LAW

J. NAME OF FATHER: Haji Farah Mohamed Ethiopia
NAME OF MOTHER: Fadumo Yasin Jama
FATHER:** ALIVE / (DEAD) MOTHER:** ALIVE / (DEAD)

K. ETHNIC/TRIBAL ORIGIN: Darod/Dhulbahante

L. RELIGION AND/OR SECT: Muslim

M. PRESENT ADDRESS: Nairobi, Kenya
TELEPHONE: _____

N. REFUGEE STATUS RECOGNISED BY:
COUNTRY OF ASYLUM ON: Jan 22. 1993
UNHCR ON: _____

2. IMMEDIATE FAMILY MEMBERS AND DEPENDANTS a) Living with Applicant

No.	NAME	RELATIONSHIP TO APPLICANT	PLACE OF BIRTH	DATE OF BIRTH	PLANNING TO RESETTLE WITH APPLICANT YES / NO
1.	Applicant	----------	-------	----	----------
2.	Hawo Hi. Ahmed.	wife.	Burao	2/5/1932	Yes
3.	Anisa Khalif Farah.	Dau.	Mogadishu	1/10/60	>>
4.	Hadunasir >> >>	Son.	>>	2/2/64	>>
5.	Abdukhaliq >> >>	>>	>>	17/2/70	>>
6.	Abdugafar >> >>	>>	>>	9/3/73	>>
7.	Abdu Halim >> >>	>>	>>	25/6/76	>>
8.	Sahrasad >> >>	Dau.	>>	12/7/78	>>
9.	~~Muna >> >>~~	~~Dau~~	>>	5/4/83	>>
10	Abdulatif >> >>	son	>>	11/4/82	>>
11	~~Mohamed >> >>~~	>>	>>	2/6/85	>>
12	Mohamud >> >>	>>	>>	29/7/85	>>
13	~~Mahad >> >>~~	>>	>>	11/6/89	>>

* If applicable
** Please circle as appropriate

GOVERNMENT EXHIBIT 2-6 1:05CR163

No.*	LANGUAGE	UNDERSTAND		SPEAK		READ		WRITE	
		easily	not easily	easily	not easily	easily	not easily	easily	not easily
1.	Somali, English, Arabic	✓		✓		✓		✓	
2	Somali	✓		✓			✓		✓
~~3-5~~	~~Somali English~~	~~✓~~		~~✓~~		~~✓~~		~~✓~~	
~~6-10~~	~~Somali~~	~~✓~~		~~✓~~		~~✓~~		~~✓~~	
11-13	Somali	✓		✓			✓		✓

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6. EMPLOYMENT RECORD IN COUNTRY OF ORIGIN AND COUNTRY OF ASYLUM OF APPLICANT AND ALL FAMILY MEMBERS/ DEPENDANTS OVER 15 YEARS OF AGE

No.*	NAME AND ADDRESS OF EMPLOYER	TYPE OF WORK	PERIOD FROM	PERIOD TO
1.	Water Dev. Agency Somalia.	General manager	1976	1986
	~~Afgadishu Water Agency~~	~~"~~ ~~"~~	~~1964~~	~~1976~~
	private business	Buisnessman.	1955	1963
2.	Has no Job.	—	—	—
3	private business.	—	~~1984~~	1990
4	Private business (export).	Business assistant	1983	1990
5-13	Had no Job.	—	—	—

7. TRAVEL AND/OR IDENTITY DOCUMENTS; DOCUMENTARY EVIDENCE OF REFUGEE STATUS

No.*	TYPE OF DOCUMENTATION	NUMBER	ISSUING AUTHORITY	VALID FROM	VALID TO
1.	Attestation.	HA 13/7/988	Ministry of Home affairs	13/9/91	present

8. COUNTRIES IN WHICH APPLICANT HAS STAYED, RESIDED OR TRANSITTED SINCE LEAVING COUNTRY OF ORIGIN

COUNTRY	PERIOD FROM	PERIOD TO	TRAVEL DOCUMENTS USED	REMARKS
Kenya	1991	present	Attestation from office of the president	permission ~~to stay in~~
			Ref. No. HA 13/6 Vol. III/161	Nairobi in ~~order to~~
			Date. 22nd Jan. 1993	~~as his~~ resettlement

* Use number 1 for Applicant and numbers 2 - 10 corresponding to the specific family member in item 2a

	TO APPLICANT	BIRTH	DIRTH	RESIDENCE

3. RELATIVES OR FRIENDS IN OTHER COUNTRIES (WITHIN AND/OR OUTSIDE CONTINENT OF PRESENT RESIDENCE)

NAME	RELATONSHIP TO APPLICANT	STATUS** (IF KNOWN)	ADDRESS/TELEPHONE	SINCE (YEAR)
Intisar Khalif H. Farah	Dau.	Resident Alien	4452 Elanct. Annandale, VA. 22003 Tel. 703-256-3507	Jan 1983

4. EDUCATION AND TRAINING OF APPLICANT AND FAMILY MEMBERS (IN COUNTRY OF ORIGIN AND COUNTRY OF ASYLUM)

No.***	NAME AND LOCATION OF SCHOOL OR TRAINING INSTITUTE	PERIOD FROM	PERIOD TO	DEGREES, DIPLOMAS, TRAINING CERTIFICATES/ SKILLS AND OTHER COMPETENCIES ACQUIRED
	Sheik Secondry School	1945	1954	Secondry Complete
2	NO formal education			
3	Benadir Second. Scho	1966	1978	Secondry Comp/ete
4	〃 〃	1990	1992	〃 〃
5	〃 〃	1976	1988	〃 〃
6	〃 〃	1979	1987	Standard 10
7	Kasa@apulare 〃	1982	1989	Standard 8
8	〃 〃 〃	1983	1990	Standard 7
9	〃 〃 〃	1988	1990	Stand 2
10	〃 〃 〃	1987	1990	Stand. 3.
11	Had no formal Education			
12	〃	〃	〃	〃 〃
13	〃	〃	〃	〃.

* Including immediate family members in other locations in country of present residence
** Status: i.e. refugee, citizen, asylum seeker, etc.
*** Use number 1 for Applicant and numbers 2 - 10 corresponding to the specific family member in Item 2a

	NAME	RELATIONSHIP TO APPLICANT		
1	Khalil Farah	S/A	Poor	Yes
2-13	Descendents		Normal	NO.

10. FOR FEMALE APPLICANTS ONLY (AND/OR FAMILY MEMBERS INDICATED IN ITEM 2a)

PREGNANCY:** YES / NO IF YES, GIVE NAME OF PERSON EXPECTING: N/A.

EXPECTED DATE OF DELIVERY: _____

ANY SPECIFIC PROBLEMS:** YES / NO

IF YES, SPECIFY: _____

11. PENAL RECORD

ARREST / DETENTION:** IF YES, SPECIFY:** CRIMINAL / POLITICAL

DETENTION/IMPRISONMENT PERIODS:

No.*	PLACE	PERIOD FROM	PERIOD TO	SENTENCED YES	SENTENCED NO	CHARGES

N/A

ADDITIONAL INFORMATION ON CONDITIONS OF DETENTION

* Use number 1 for applicant and numbers 2 - 10 corresponding to the specific family member in Item
** Please circle as appropriate

HABITUAL RESIDENCE AND REASONS WHY RESETTLEMENT REQUIRE

11. ADDITIONAL REMARKS: DESCRIPTION OF APPLICANT'S SITUATION, FAMILY RELATIONSHIPS, CHANGES IN MARITAL STATUS INCLUDING DATES AND SUPPORTING DOCUMENTATION AVAILABLE, AND ANY OTHER INFORMATION FOR RESETTLEMENT AUTHORITIES

Nairobi 8/03/93
PLACE AND DATE

SIGNATURE OF APPLICANT AND CERTIFICATION OF CORRECTNESS OF ABOVE DATA

Nairobi 8/03/93
PLACE AND DATE

SIGNATURE OF OTHER INTERVIEWER

IMPRISONMENT	NO
ESCAPE ATTEMPT	NO

ENGLISH										
FRENCH										

FOR WOMEN — Are you pregnant? Yes ____ No ____ If pregnant, what month do you think the baby will be born? ____

ETHNIC/RELIGION

ORGANIZATIONS

HARD LABOUR

IMPRISONMENT

ESCAPE ATTEMPT

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JVA KENYA — BIODATA

(PRINT LEGIBLY)

CASE NO. ~~NG~~ 447 425
LOCATION NAIROBI
NATIONALITY SOMALI
ETHNIC DARODE
RELIGION MO

CASE WORKER
DATE OF INS. APPROVAL 07.22.93
PRIORITY P-3
NO. IN FAMILY 14 (FOURTEEN)

CROSS REFERENCE

	NAME	REL.	LOCATION
#			
#			

	SURNAME	GIVEN	MIDDLE	SEX	D&P O B MO. DAY YR.	REL.	OCCUPATION SKILLS	EDUC. # YRS.	LANGUAGE NATIVE	LANGUAGE ENGLISH	ALIEN NO.
1.	FARAH	KHALIF	HAGI	M	11.30.30 SO	PA	BUSINESS MAN	S	L DARODE	G	A70 417 423
2.	AHMED	HAWA	ALI	F	01.01.42 SO	WIFE	HOME MAKER	N	I DARODE	N	A70 417 424
3.	FARAH	ANISA	KHALIF	F	06.01.60 SO	DAUG-HTER	BUSINESS WOMAN	S	L DARODE	S	A70 417 425
4.	MOHAMED	YAASIN	ABDIKANI	M	02.01.79 SO	GRAND SON	STUDENT	P	L DARODE	S	A70 417 426
5.	FARAH	ABDINASIR	KHALIF	M	02.02.64 SO	SON	STUDENT	S	L DARODE	U	A70 417 429
6.	FARAH	ABDI	KHALIF	M	02.17.70 SO	SON	STUDENT	S	L DARODE	U	A70 417 430
7.	FARAH	ABDIQAFAR	KHALIF	M	03.09.73 SO	SON	STUDENT	S	L DARODE	U	A70 417 431
8.	FARAH	ABDIHALIM	KHALIF	M	06.25.76 SO	SON	STUDENT	P	L DARODE	U	A70 417 432
9.	FARAH	SAHRASAD	KHALIF	F	07.12.78 SO	DAUG-HTER	STUDENT	P	L DARODE	U	A70 417 433
10.	FARAH	ABDILADIF	KHALIF	M	04.11.82 SO	SON	STUDENT	P	S DARODE	U	A70 417 434
11.	FARAH	MUNA	KHALIF	F	04.05.83 SO	DAUG HTER	STUDENT	P	S DARODE	U	A70 417 435
12.	FARAH	MOHAMED	KHALIF	M	02.06.85 SO	SON	STUDENT	K	I DARODE	N	A70 417 436
13.	FARAH	MAHMUD	KHALIF	M	07.29.88 SO	SON	STUDENT	K	I DARODE	N	A70 417 437

1) RELATIVE OR FRIEND IN THE USA:
NAME: INTISAR KHALIF FARAH
RELATIONSHIP: DAUGHTER
ADDRESS: 4452 TLAN CT
CITY ANNANDALE STATE VA ZIP 22003
TEL (703) 256-3601 (H)

HEALTH: PA has hypertension, diabetes, hepatitis, and duodenal ulcers.
PREGNANCY:

PA FATHER: HAGI FARAH

COMMENTS: # 4 is the SON of #1 Father DECEASED
#5 has Polio
UNHCR MEDICAL REFERRAL

23 JUL 1997

1832

GOVERNMENT EXHIBIT 2-5 1:05CR163

34a

- BIODATA (PRINT LEGIBLY)

417 425

CASE WORKER

DATE OF INS. APPROVAL

PRIORITY P-

NO. IN FAMILY

CROSS REFERENCE

#	NAME	REL.	LOCATION
#			

	ANAME	GIVEN	MIDDLE	SEX	D & P.O.B MO.	DAY	YR.	REL.	OCCUPATION SKILLS	EDUC. # YRS.	LANGUAGE NATIVE	ENGLISH	ALIEN NO.
1.	FARAH	MAHAD	KHALIF	M	06.	11.	89	SON	NONE	N	I DAROD	N	A70 417 438
2.													
3.													
4.													
5.													
6.													
7.													
8.													
9.													
10.													
11.													
12.													
13.													

1) RELATIVE OR FRIEND IN THE USA:

NAME

RELATIONSHIP

ADDRESS

CITY STATE ZIP

TEL

HEALTH:

PREGNANCY:

COMMENTS:

PA FATHER

23 JUL 1993

1833

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